

AMENDED IN SENATE JULY 15, 2009

AMENDED IN ASSEMBLY JUNE 2, 2009

AMENDED IN ASSEMBLY APRIL 15, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

**No. 359**

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**Introduced by Assembly Member Nava**  
**(Coauthor: Assembly Member Blakeslee)**  
(Coauthors: Senators Maldonado and Strickland)

February 23, 2009

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An act to amend Section 104150 of the Health and Safety Code, and to amend Section 14105.18 of, and to ~~add Section 14132.165 to~~, the Welfare and Institutions Code, relating to cancer.

### LEGISLATIVE COUNSEL'S DIGEST

AB 359, as amended, Nava. Breast and cervical cancer: early detection screening: digital mammography: reimbursement rates.

*Existing law provides for the Medi-Cal program, administered by the State Department of Health Care Services, under which qualified low-income persons are provided with health care services, including breast and cervical cancer services.*

Under existing law, the State Department of Public Health participates in a grant program through the federal Centers for Disease Control and Prevention to provide breast and cervical cancer early detection screening. Providers participating in the grant program may only provide screening services to individuals whose family income does not exceed 200% of the federal poverty level, *and provider rates are required to be identical to the rates under the Medi-Cal program.*

This bill would, until January 1, 2014, require digital mammography screening to be covered when analog mammography services are not available from the provider, to be reimbursed at the Medi-Cal analog rate, *and would make conforming changes.*

~~Existing law provides for the Medi-Cal program, administered by the State Department of Health Care Services, under which qualified low-income persons are provided with health care services, including breast and cervical cancer services.~~

~~This bill would authorize digital screening eligibility and reimbursement under these programs only for those screenings where the provider agrees to receive reimbursement in full at the analog rate.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 104150 of the Health and Safety Code
- 2 is amended to read:
- 3 104150. (a) A provider or entity that participates in the grant
- 4 made to the department by the federal Centers for Disease Control
- 5 and Prevention breast and cervical cancer early detection program
- 6 established under Title XV of the Public Health Service Act (42
- 7 U.S.C. Sec. 300k et seq.) in accordance with requirements of
- 8 Section 1504 of that act (42 U.S.C. Sec. 300n) may only render
- 9 screening services under the grant to an individual if the provider
- 10 or entity determines that the individual's family income does not
- 11 exceed 200 percent of the federal poverty level.
- 12 (b) (1) The department shall provide for breast cancer and
- 13 cervical cancer screening services under the grant at the level of
- 14 funding budgeted from state and other resources during the fiscal
- 15 year in which the Legislature has appropriated funds to the
- 16 department for this purpose. These screening services shall not be
- 17 deemed to be an entitlement.
- 18 (2) For all mammography screening procedures conducted prior
- 19 to January 1, 2014, the following provisions apply:
- 20 (A) A provider may employ digital mammography technology
- 21 for the purposes of this section when analog mammography
- 22 technology is not available.

1 (B) The mammography screening reimbursement rate under  
2 this section shall be limited to the Medi-Cal reimbursement rate  
3 for analog mammography screening.

4 (C) *For purposes of this section, digital mammography*  
5 *screening may be reimbursed, pursuant to Section 14132.16, only*  
6 *at the analog rate and only if the provider agrees to receive*  
7 *reimbursement in full at the analog rate.*

8 (c) To implement the federal breast and cervical cancer early  
9 detection program specified in this section, the department may  
10 contract, to the extent permitted by Section 19130 of the  
11 Government Code, with public and private entities, or utilize  
12 existing health care service provider enrollment and payment  
13 mechanisms, including the Medi-Cal program's fiscal intermediary.  
14 However, the Medi-Cal program's fiscal intermediary shall only  
15 be used if services provided under the program are specifically  
16 identified and reimbursed in a manner that does not claim federal  
17 financial reimbursement. Any contracts with, and the utilization  
18 of, the Medi-Cal program's fiscal intermediary shall not be subject  
19 to Chapter 3 (commencing with Section 12100) of Part 2 of  
20 Division 2 of the Public Contract Code. Contracts to implement  
21 the federal breast and cervical cancer early detection program  
22 entered into by the department with entities other than the Medi-Cal  
23 program's fiscal intermediary shall not be subject to Part 2  
24 (commencing with Section 10100) of Division 2 of the Public  
25 Contract Code.

26 SEC. 2. Section 14105.18 of the Welfare and Institutions Code,  
27 as added by Section 2 of Chapter 496 of the Statutes of 2008, is  
28 amended to read:

29 14105.18. (a) Notwithstanding any other provision of law,  
30 provider rates of payment for services rendered in all of the  
31 following programs shall be identical to the rates of payment for  
32 the same service performed by the same provider type pursuant to  
33 the Medi-Cal program.

34 (1) The California Children's Services Program established  
35 pursuant to Article 5 (commencing with Section 123800) of  
36 Chapter 3 of Part 2 of Division 106 of the Health and Safety Code.

37 (2) The Genetically Handicapped Person's Program established  
38 pursuant to Article 1 (commencing with Section 125125) of  
39 Chapter 2 of Part 5 of Division 106 of the Health and Safety Code.

(3) Except as specified in ~~Section 14132.165~~ subdivision (b) of Section 104150 of the Health and Safety Code, the Breast and Cervical Cancer Early Detection Program established pursuant to Article 1.5 (commencing with Section 104150) of Chapter 2 of Part 1 of Division 103 of the Health and Safety Code and the breast cancer programs specified in Section 30461.6 of the Revenue and Taxation Code.

(4) The State-Only Family Planning Program established pursuant to Division 24 (commencing with Section 24000).

(5) The Family Planning, Access, Care, and Treatment (Family PACT) Waiver Program established pursuant to subdivision (aa) of Section 14132.

(b) The director may identify in regulations other programs not listed in subdivision (a) in which providers shall be paid rates of payment that are identical to the rates of payments in the Medi-Cal program pursuant to subdivision (a).

(c) Notwithstanding subdivision (a), services provided under the programs described in subdivisions (a) and (b) may be reimbursed at rates greater than the Medi-Cal rate that would otherwise be applicable if those rates are adopted by the director in regulations.

(d) This section shall become operative on January 1, 2010.

~~SEC. 3. Section 14132.165 is added to the Welfare and Institutions Code, immediately following Section 14132.16, to read:~~

~~14132.165. Digital mammography screening may be reimbursed pursuant to Section 14132.16, but only at the analog rate and only if the provider agrees to receive reimbursement in full at the analog rate.~~